



UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

Philip H. Tarbell

CRIMINAL COMPLAINT

Case Number: 8:10-M-557(LAK)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about November 12, 2010 in Essex County, in

(Date)

the NORTHERN District of NEW YORK defendant(s) did knowingly and intentionally possess with intent to distribute 43.22 kg of marijuana.

in violation of Title 21 United States Code, Section(s) 841 (a) (1).

I further state that I am a(n) DEA Special Agent and that this complaint is based on the following facts:
Official Title

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On November 12, 2010, at approximately 1:00PM, a grey, 2007 Nissan Quest bearing New York registration FEB-xxxx, with one (1) male driver and one (1) female passenger, arrived for inspection at the United States Border Patrol Checkpoint located on New York State Route 9 in Essex County New York. During this inspection, United States Border Patrol Agent Christopher Ambrosio questioned the occupants as to their citizenships. Both replied that they were both United States Citizens. During questioning, Agent Ambrosio noticed the driver subsequently identified as Philip H. Tarbell, was twitching nervously and squeezing the steering wheel. Tarbell related that he was taking pictures and traveling from Lake Placid, NY to Albany, NY. Agent Ambrosio asked Tarbell why he traveled on Route 9 as opposed to the faster route I-87. According to Agent Ambrosio, Tarbell stuttered and did not give a good reason.

Agent Mark Grabda asked if he could look in the cargo area of the van. Tarbell gave consent by stating "yes." A search of the rear hatch area by Agent Grabda revealed a blanket covering what appeared to be a hockey bag. At this time Agent Grabda alerted Agent Ambrosio to get the keys to the vehicle and called Agent Chamberlain to bring his drug detection canine. Agent Chamberlain, and his service canine "Reno" conducted a canine sniff around the vehicle. Reno alerted to the hockey bags that were in the rear of the van.

X Continued on the attached sheet.

Michael J. Laravia, Special Agent DEA

Sworn to before me and subscribed in my presence,
November 13, 2010 at Plattsburgh, New York

Larry A. Kydrle

U.S. Magistrate Judge, N.D. N.Y

Continuation Sheet for United States of America v. Philip H. Tarbell

A subsequent search by Agent Grabda revealed that there were two (2) hockey bags which contained clear plastic bags each further containing a green, leafy substance.

The occupants, the van, and the hockey bags were transported to the secondary area of the Interstate 87 checkpoint for further processing.

The green leafy substance was field tested at the Interstate 87 checkpoint and tested positive for marijuana. The marijuana was weighed separate from the hockey bags and weighed a total of 43.22 kilograms.